

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6458

BILL NUMBER: SB 55

NOTE PREPARED: Dec 1, 2006

BILL AMENDED:

SUBJECT: Furnishing Alcohol to a Minor.

FIRST AUTHOR: Sen. Alting

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill increases the penalty for furnishing an alcoholic beverage to a minor to: (1) a Class B misdemeanor for the first offense; (2) a Class A misdemeanor for a subsequent offense; and (3) a Class D felony if the illegal furnishing of the alcoholic beverage results in serious bodily injury to or the death of any person.

It provides that a violation occurs if a person recklessly, knowingly, or intentionally furnishes an alcoholic beverage to a minor. (Current law provides that a violation occurs if a person recklessly furnishes an alcoholic beverage to a minor.)

Effective Date: July 1, 2007.

Explanation of State Expenditures: *Summary* - Under current law, a person recklessly selling, bartering, exchanging, providing, or furnishing an alcoholic beverage to a minor commits a Class C misdemeanor. Under the bill, the offense would become a Class B misdemeanor, and knowingly or intentionally would be added to the condition of the offense. In addition two new criminal penalties would be added under this section: a Class A misdemeanor for a subsequent offense; and a Class D felony if the offense results in serious bodily injury or death.

State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$22,734 in FY 2006. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average

cost per offender for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily. The estimated average cost of housing a juvenile in a state juvenile facility was \$63,139. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class C misdemeanor is \$500, while the maximum fine for a Class B misdemeanor is \$1,000, for a Class A misdemeanor is \$5,000, and a Class D felony is \$10,000.

Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: Costs to local governments could increase because the maximum term of imprisonment for a Class C misdemeanor is up to 60 days while the maximum term for a Class B misdemeanor is up to 180 days, and the maximum term for a Class A misdemeanor is up to one year in jail. The average daily cost of housing a prisoner is an approximately \$44.

However, if an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced.

Explanation of Local Revenues: Court fees would remain unchanged. Court fees are \$120 for both misdemeanor and felony offenses.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association.

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